

ATTACHMENT 2
KEY ARARs FOR AVTEX FIBERS OU-10 REMEDIATION ALTERNATIVES

Except where noted, the following are ARARs for all alternatives except No-Action.

| ARAR OR TBC | LEGAL CITATION | CLASSIFICATION | SUMMARY OF REQUIREMENT | FURTHER SPECIFICATION AND/OR DETAILS REGARDING ARARs IN THE CONTEXT OF REMEDIATION |
|---|--------------------|--------------------------|--|--|
| Clean Water Act: Federal Ambient Water Quality Criteria | 33 U.S.C. § 1314 | Relevant and Appropriate | These are non-enforceable guidelines published pursuant to Section 304 of the Clean Water Act that set the concentrations of pollutants that are considered adequate to protect human health and aquatic life. | All Commonwealth waters are designated for recreational uses, propagation and growth of aquatic life, wildlife, and the production of edible and marketable natural resources. The standards for freshwater aquatic life and non-public water supplies set forth in the Commonwealth's water quality standards will be attained. Those Federal Water Quality Criteria that deal with these designated uses will be attained where a state standard does not exist. |
| Virginia Water Quality Standards | 9 VAC 25-260-140 | Applicable | These are criteria to maintain surface water quality. | |
| Virginia Surface Water Antidegradation Policy | 9 VAC 25-260-30 | Applicable | Requires that, at a minimum, the level of water quality necessary to protect existing uses shall be maintained and protected. Where water quality exceeds water quality standards, that quality must be maintained and protected, with certain exceptions. | These standards will be attained. The surface waters at issue have not been designated as providing "exceptional environmental settings and exceptional aquatic communities or exceptional recreational opportunities" within the meaning of 9 VAC 25-260-30(A)(3). |
| Clean Water Act: National Pollutant Discharge Elimination System Requirements | 40 C.F.R. Part 122 | Applicable | These are enforceable standards for direct discharge of pollutants to surface waters of the United States. | The more stringent of the Federal and State substantive requirements will be attained. No permits shall be required for on-site discharges. |

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| Virginia Pollutant Discharge Elimination System (VPDES) | 9 VAC 25-32-10 to 940 | Applicable | These are standards for discharging pollutants into surface waters of the Commonwealth. | |
| Virginia Erosion and Sediment Control Regulations | 4 VAC 50-30-10 to 110 | Applicable | Erosion and sediment control plans are to be submitted for land-disturbing activities, and be in compliance with the locality and/or local soil and water conservation district. | Construction activities will disturb the land in the vicinity of the site. Activities will comply with the substantive portions of the Virginia erosion and sediment control requirements. No permits are required. |
| Virginia Stormwater Management Regulations | 4 VAC 3-20-10; 60(A)-(G), (J)-(L); 71; 81(A); and 85(A), (B) and (D). | Applicable | These regulations establish criteria for management of storm water within the Commonwealth. | The substantive requirements of these regulations will be attained. No permits are required. |
| Virginia Ambient Air Quality Standards: Control of Particulate Matter | 9 VAC 5-30-60 | Applicable | These regulations establish standards for particulate matter in ambient air. | The substantive requirements of these regulations will be attained. No permits are required. |
| Virginia Regulations: New and Modified Stationary Sources: Visible and Fugitive Dust Emissions | 9 VAC 5-50-20; 60 to 120 | Applicable | These regulations establish standards for visible and fugitive dust emissions from new/modified stationary sources. | The substantive requirements of these regulations will be attained. No permits are required. |

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| Virginia Regulations: Standards of Performance for Odorous Emissions [Rule 5-2] | 9 VAC 5-30-130-150 | Applicable | These regulations establish standards for odorous emissions. | The substantive requirements of these regulations will be attained. No permits are required. |
| Virginia Solid Waste Management Regulations | 9 VAC 20-80-10 et seq. | Applicable | Establishes standards and procedures pertaining to the management of solid wastes and siting, design, construction, operation, maintenance, closure and post-closure care of solid waste management facilities in Virginia. | Defines terms and establishes standards for closure and post-closure care and monitoring for all OU-10 units. Establishes facility standards for disposal of solid wastes generated during remediation activities. |
| - Management of Open Dumps and Unpermitted Facilities | 9 VAC 20-80-170 to 230 | Applicable | Requires open dumps, whether permitted or not, to mitigate risks and close under Part V standards as warranted. | All OU-10 units found to pose risk to human health or the environment must mitigate the risk and close under appropriate Part V standards. |
| - Part V Solid Waste Disposal Facility Standards | 9 VAC 20-80-240 to 310 | Applicable | Establishes standards for solid waste disposal facilities in Virginia. | Establishes standards for closure and post-closure care and monitoring for all OU-10 units. |
| - Industrial Landfill | 9 VAC 20-80-270 | Applicable | Establishes standards for industrial landfills in Virginia. | Establishes standards for closure and post-closure care and monitoring for all OU-10 units. |

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| - Finished side and top slopes | 9 VAC 20-80-270(B)17 | Applicable | Establishes maximum and minimum finished closure slopes. | Finished side slopes that are >33% must be supported by stability calculations; minimum top slopes must be ≥2% to prevent ponding. |
| - Groundwater monitoring | 9 VAC 20-80-270(D) | Applicable | Establishes ground water monitoring requirements for industrial landfills in Virginia. | Requires ground water to be monitored for potential releases from the Site and provides for corrective action as needed to protect human health and the environment. |
| - Closure | 9 VAC 20-80-270(E) | Applicable | Establishes closure requirements for industrial landfills. | Includes minimum standards for the design of the closure cap. |
| - Post-closure care requirements | 9 VAC 20-80-270(F) | Applicable | Establishes post-closure care requirements for industrial landfills. | Includes long-term operation and maintenance of all closure and monitoring features and facilities. |
| - Control of decomposition gases | 9 VAC 20-80-270(F) 1d and 9 VAC 20-80-280 | Applicable | If applicable, post-closure care must include maintaining and operating a gas monitoring system in accord with 9 VAC 20-80-280, which establishes requirements to control and monitor decomposition gases at solid waste disposal facilities. | Explosive gas (methane) concentrations must be maintained <25% LEL in facility structures (excluding gas control or recovery system components) and <LEL at the facility boundary. Systems to control emissions of non-methane organic compounds may be required. |

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| - Leachate control system and monitoring | 9 VAC 20-80-290 | Applicable | Establishes requirements to monitor and control leachate at solid waste disposal facilities. | Leachate must be treated prior to release to the environment. |
| - Leachate handling order of preference | 9 VAC 20-80-290(D) | Applicable | Preferences are: 1) direct discharge to treatment plant; 2) pump and haul to treatment plant; 3) recirculate (units with composite bottom liners only); or 4) on-site treatment and discharge to stream under a VPDES permit. | No OU-10 units have a composite bottom liner; leachate recirculation is disallowed. Direct discharge to the treatment plant is preferred over either pump and haul or on-site treatment and discharge under VPDES standards. |
| - Corrective action program | 9 VAC 20-80-310 | Applicable | Establishes procedures and criteria to assess and determine when groundwater corrective action is needed. | For all OU-10 units, impacts to groundwater that threaten human health or the environment must be mitigated or corrected. |
| - Closure of surface water impoundments and lagoons | 9 VAC 20-80-380(B) | Applicable | Establishes standards for closure in place of waste residuals remaining in surface water impoundments and lagoons. | Closure in place of VB 1-8 units must include: eliminating free liquids; stabilizing to a bearing capacity sufficient to support the final cover; capping, groundwater monitoring and post-closure care under Part V standards. |

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| - Closure and post-closure care of miscellaneous units | 9 VAC 20-80-470(E) and (F) | Applicable | Establishes standards for closure and post-closure care of miscellaneous units. | For Soils and WWTP units: all waste, materials contaminated with waste constituents, and treatment residue must be removed and disposed in an approved facility; if a unit has contaminated soils or groundwater that cannot be completely removed or mitigated during closure, it must close as a disposal unit under Part V standards. |
| - Variances to permitting requirements | 9 VAC 20-80-750 | Applicable | Allows disposal facility standards to be relaxed for cause, based on undue hardship, equal protection, or technical impracticability, provided protection of human health and the environment is maintained. | Potentially allows, for example, the disposal of fine fraction debris that is stabilized through treatment within closing OU-10 units provided protection of human health and the environment is maintained. |

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| Executive Order 11990 (Protection of Wetlands); procedures on Floodplain Management and Wetlands Protection | 40 C.F.R. Part 6, Appendix A | Applicable | These regulations establish standards for construction activities in the 100-year floodplain and for determining the extent of mitigation where wetlands are impacted. Jurisdictional wetlands have been identified at the site. | The substantive requirements of these regulations will be attained. No permits are required. |
| Virginia Wetlands Mitigation Compensation Policy | 9 VAC 25-210-10 to 50 | Applicable | | |